

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12438 of 2018

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1. Idan Mian @ Idhan Miyan, Son of Nathu Miyan, Resident of Village-Chhapwa, P.S.- Sugauli, District- East Champaran, Motihari, Present address A/p Mantu Paswan, Hariwatika Chowk, P.S.- Bettiah, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise, Registration Department, Government of Bihar, Patna.
2. The Principal Secretary, Prohibition Excise Registration Department, Government of Bihar, Patna.
3. The Commissioner, Prohibition Excise Registration Department, Government of Bihar, Patna.
4. The Collector, East Champaran at Motihari.
5. The Superintendent of Police, East Champaran at Motihari.
6. The District Transport Officer, East Champaran at Motihari.
7. The Superintendent of Excise, East Champaran at Motihari.
8. The Motor Vehicle Inspector, East Champaran at Motihari.
9. The Officer-in-Charge P.S. Datahi, District- East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madhav Jha

For the Respondent/s : Mr. Anil Kumar Sinha - Ga-1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-07-2018 This writ petition has been filed for release of a vehicle bearing Registration No.BR05S-0925 which has been seized in connection with Sugauli P.S. Case No.80 of 2017 due to violation of the Excise Act. The prayer made in the writ petition is to release the vehicle in question pending finalization of the confiscation proceedings and criminal case.

It is common ground that in various cases, identical in



nature, pending finalization of the confiscation proceedings vehicles have been directed to be released by this Court on various conditions and we see no reason to make a deviation in the present case.

Keeping in view the aforesaid, it is directed that pending finalization of the aforesaid confiscation proceedings and criminal case, the aforesaid vehicle in question shall be released to the petitioner, on his furnishing two surety bonds to the satisfaction of District Magistrate, East Champaran at Motihari and further undertaking to produce the vehicle as and when directed by the authority concerned and not to alienate to deal with the vehicle in question or create a third party interest during the pendency of the confiscation proceedings and criminal case or prejudice the right of the State in confiscation proceeding. The aforesaid vehicle shall be released within one week from the date of furnishing of the sureties.

With the aforesaid, the writ petition stand allowed and disposed of.

(Rajendra Menon, CJ)

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(Rajeev Ranjan Prasad, J)

